

Docket No.: 000166.0109-US03
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
David Edwards, et al.

Application No.: 10/771,525

Confirmation No.: 2889

Filed: February 5, 2004

Art Unit: 3743

For: INHALATION DEVICE AND METHOD

Examiner: Not Yet Assigned

REQUEST FOR CORRECTION OF INVENTORSHIP UNDER 37 C.F.R. 1.48(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

On June 25, 2004, Applicants responded to the Notice to File Missing Parts to provide a copy of the signatures of David L. Foshee and Jason R. Durkin which were inadvertently omitted. The following documents were also filed on June 25, 2004, a copy of each of which is attached:

1. Statement under 37 C.F.R. § 1.63(d)(2);
2. Request for Corrected Filing Receipt;
3. Copy of the marked-up Official Filing Receipt;
4. Copy of Application Data Sheet filed with the application on February 5, 2004;

and

5. Check No. 330525 for \$260 to cover the \$130 surcharge for late filing of the declaration and \$130 processing fee for change of inventorship.

Applicants received a Response to Request for Corrected Filing Receipt, indicating that a petition to correct the inventorship under 37 C.F.R. § 1.48 is required. Although Applicants do not agree that the petition is required in this instance, in order to facilitate the making of the change and prosecution of the above-captioned application, Applicants provide herein the request under 37 C.F.R. § 1.48(b).

The above-captioned application is a divisional of prior application number 10/268,059, filed October 10, 2002.¹ In accordance with 37 C.F.R. § 1.63(d)(1), a newly executed oath or declaration is not required in a divisional application provided that the divisional application is filed by all or fewer than all of the inventors named in the prior application, and that a copy of the declaration filed in the prior application is submitted for the divisional application. The above-captioned application was filed by fewer than all of the inventors named in the prior application, and a copy of the declaration filed in the prior application was submitted. In response to the Notice to File Missing Parts of Nonprovisional Application, a copy of the declaration that includes the signatures of David L. Foshee and Jason R. Durkin was filed on June 25, 2004.

In accordance with 37 C.F.R. § 1.63(d)(2), the copy of the declaration in the divisional application must be accompanied by a statement requesting the deletion of the names of the persons who are not inventors in the divisional application. Attached hereto is copy of the Statement Under 37 C.F.R. § 1.63(d)(2), filed on June 25, 2004, requesting the U.S. Patent and Trademark Office to delete the names of the following persons who are not inventors in the above-captioned divisional application:

Colleen Conlon;

David L. Foshee;

Jason R. Durkin;

¹ This correction to the filing receipt has been reflected in the Updated Filing Receipt received with the Response to Request for Corrected Filing Receipt.

Tim Coker;

Kevin Stapleton;

Sarah Dreesen; and

Mark DeLong.

Applicants respectfully request under 37 C.F.R. § 1.48(b) that the inventorship of the above-captioned application be corrected to delete the above-named inventors whose inventions are not being claimed in the above-captioned divisional application. Applicants further request that a Corrected Filing Receipt be issued.

The \$130 processing fee was paid to the U.S. Patent and Trademark Office in Check No. 330525 filed on June 25, 2004, a copy of which is attached. The U.S. Patent and Trademark Office is hereby authorized to charge any deficiency or credit any overpayment to our Deposit Account No. 50-0740, under Docket No. 000166.0109.US03.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 50-0740, under Docket No. 000166.0109.US03.

Dated: August 18, 2004

Respectfully submitted,

By 

Andrea G. Reister

Registration No. 36,253
COVINGTON & BURLING
1201 Pennsylvania Avenue, N.W.
Washington, DC 20004-2401
(202) 662-6000



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(PATENT)

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In re Patent Application of:
David Edwards et al.

Application No.: 10/771,525

Confirmation No.: 2889

Filed: February 5, 2004

Art Unit: 3743

For: INHALATION DEVICE AND METHOD

Examiner: Not Yet Assigned

REQUEST FOR CORRECTED FILING RECEIPT

Filing Receipt Corrections
Office of Initial Patent Examination
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby requests that a corrected Filing Receipt be issued in the above-identified patent application. It is requested that the inventorship data and the domestic priority data be corrected as listed below. A marked-up copy of the filing receipt with corrections in red is attached.

The above-identified application is a divisional application that has fewer than all of the inventors named in the prior application. This Request for Corrected Filing Receipt is filed concurrently with a Statement under 37 CFR § 1.63(d)(2), which allows the deletion of inventors without the filing of a new oath or declaration. The Application Data Sheet filed with the divisional application was correct in that it listed only the inventors that contributed to the claims in this divisional application.

Under the section for Applicant(s), please delete the name of the following inventors:

Colleen Conlon;

David L. Foshee;

Jason R. Durkin;

Tim Coker;

Kevin Stapleton;

Sarah Dreesen; and

Mark DeLong.

Under the section for Domestic Priority data as claimed by applicant, please correct the status of this application to read as follows:

--This application is a DIV of 10/268,059 10/10/2002 PAT 6,732,732 which is a CIP of 09/835,302 04/16/2001.--

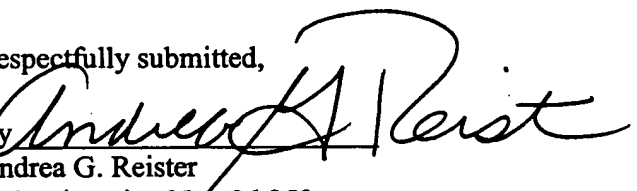
The correct domestic priority data was contained in the application data sheet filed with the above-captioned application (copy attached).

Applicant additionally requests that all pertinent U.S. Patent and Trademark Office records relating to the subject application be changed to reflect these corrections.

Dated: June 25, 2004

Respectfully submitted,

By


Andrea G. Reister

Registration No.: 36,253
COVINGTON & BURLING
1201 Pennsylvania Avenue, N.W.
Washington, DC 20004-2401
(202) 662-6000
Attorney for Applicant



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/771,525	02/05/2004	3743	1402	000166.0109-US03	20	36	7

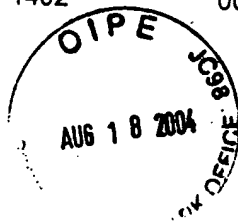
CONFIRMATION NO. 2889

FILING RECEIPT



OC000000012528092

26853
 COVINGTON & BURLING
 ATTN: PATENT DOCKETING
 1201 PENNSYLVANIA AVENUE, N.W.
 WASHINGTON, DC 20004-2401



Date Mailed: 05/05/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

David Edwards, Boston, MA;
~~Colleen Conlon, Somerville, MA;~~
~~David L. Foshee, Apex, NC;~~
~~Jason R. Durkin, Apex, NC;~~
~~Tim Coker, Merrimack, NH;~~
~~Kevin Stapleton, Boston, MA;~~
~~Sarah Dreesen, Medford, MA;~~
~~Mark DeLong, Newton, MA;~~
 Andrew Jones, Roslindale, MA;
 Ryan McManus, Cambridge, MA;
 Margaret Millar Saunders, Cambridge, MA;
 Robert W. Spaller, Amesbury, MA;
 Andrew Ziegler, Arlington, MA;

Assignment For Published Patent Application

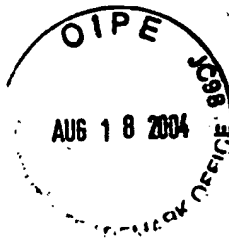
Advanced Inhalation Research, Inc., Cambridge, MA;

Domestic Priority data as claimed by applicant

This application is a ~~CIP~~ of 10/268,059 10/10/2002 PAT 6,732,732
 which is a CIP of 09/835,302 04/16/2001

Foreign Applications

If Required, Foreign Filing License Granted: 05/04/2004



Application Data Sheet

Application Information

Application Type::	Regular
Subject Matter::	Utility
Suggested Group Art Unit::	N/A
CD-ROM or CD-R?::	None
Sequence submission?::	None
Computer Readable Form (CRF)?::	No
Title::	INHALATION DEVICE AND METHOD
Attorney Docket Number::	000166.0109-US03
Request for Early Publication?::	No
Request for Non-Publication?::	No
Total Drawing Sheets::	20
Small Entity?::	No
Petition included?::	No
Secrecy Order in Parent Appl.?::	No

Applicant Information

Applicant Authority Type::	Inventor
Primary Citizenship Country::	US
Status::	Full Capacity
Given Name::	David
Family Name::	Edwards
City of Residence::	Boston
State or Province of Residence::	MA
Country of Residence::	US
Street of mailing address::	171 Commonwealth Avenue, Unit 3
City of mailing address::	Boston
State or Province of mailing address::	MA
Postal or Zip Code of mailing address::	02116

Applicant Authority Type:: Inventor
Primary Citizenship Country:: US
Status:: Full Capacity
Given Name:: Andrew
Family Name:: Jones
City of Residence:: Roslindale
State or Province of Residence:: MA
Country of Residence:: US
Street of mailing address:: 112 Beech Street
City of mailing address:: Roslindale
State or Province of mailing address:: MA
Postal or Zip Code of mailing address:: 02131

Applicant Authority Type:: Inventor
Primary Citizenship Country:: US
Status:: Full Capacity
Given Name:: Ryan
Family Name:: McManus
City of Residence:: Cambridge
State or Province of Residence:: MA
Country of Residence:: US
Street of mailing address:: 220 Windsor Street, #1
City of mailing address:: Cambridge
State or Province of mailing address:: MA
Postal or Zip Code of mailing address:: 02139

Applicant Authority Type:: Inventor
Primary Citizenship Country:: US
Status:: Full Capacity
Given Name:: Margaret
Middle Name:: Millar
Family Name:: Saunders

City of Residence:: Cambridge
State or Province of Residence:: MA
Country of Residence:: US
Street of mailing address:: P.O. Box 425410
City of mailing address:: Cambridge
State or Province of mailing address:: MA
Postal or Zip Code of mailing address:: 02142

Applicant Authority Type:: Inventor
Primary Citizenship Country:: US
Status:: Full Capacity
Given Name:: Robert
Middle Name:: W.
Family Name:: Spaller
City of Residence:: Amesbury
State or Province of Residence:: MA
Country of Residence:: US
Street of mailing address:: 356 Main Street
City of mailing address:: Amesbury
State or Province of mailing address:: MA
Postal or Zip Code of mailing address:: 01913

Applicant Authority Type:: Inventor
Primary Citizenship Country:: US
Status:: Full Capacity
Given Name:: Andrew
Family Name:: Ziegler
City of Residence:: Arlington
State or Province of Residence:: MA
Country of Residence:: US
Street of mailing address:: 11 Cedar Avenue
City of mailing address:: Arlington



State or Province of mailing address:: MA
Postal or Zip Code of mailing address:: 02476

Correspondence Information

Correspondence Customer Number:: 26853

Representative Information

Representative Customer Number:: 26853

Domestic Priority Information

Application::	Continuity Type::	Parent Application::	Parent Filing Date::
This Application	Division of	10/268,059	10/10/02
10/268,059	Continuation-in-part of	09/835,302	04/16/01

Assignee Information

Assignee name:: Advanced Inhalation Research, Inc.
Street of mailing address:: 840 Memorial Drive
City of mailing address:: Cambridge
State or Province of mailing address:: MA
Postal or Zip Code of mailing address:: 02139



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Art Unit: 3743

For: INHALATION DEVICE AND METHOD

Examiner: Not Yet Assigned

STATEMENT UNDER 37 C.F.R. 1.63(D)(2)

MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. § 1.63(d)(2), it is hereby requested that the following inventors be deleted because they are not inventors of the subject matter claimed in the above-captioned divisional application:

Colleen Conlon;

David L. Foshee;

Jason R. Durkin;

Tim Coker;

Kevin Stapleton;

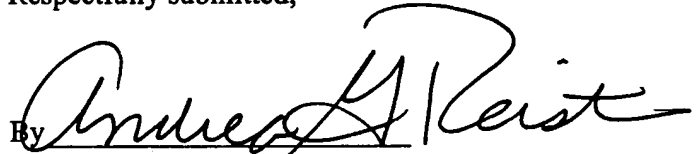
Sarah Dreesen; and

Mark DeLong.

The above-captioned application is a divisional of prior application number 10/268,059, filed October 10, 2002. In accordance with 37 C.F.R. § 1.63(d)(1), a newly executed oath or declaration is not required in a divisional application provided that the divisional application is filed by all or fewer than all of the inventors named in the prior application, and that a copy of the declaration filed in the prior application is submitted for the divisional application. The above-captioned application was filed by fewer than all of the inventors named in the prior application, and a copy of the declaration filed in the prior application was submitted. In accordance with 37 C.F.R. § 1.63(d)(2), the copy of the declaration in the divisional application must be accompanied by a statement requesting the deletion of the names of the persons who are not inventors in the divisional application. The U.S. Patent and Trademark Office is hereby requested to treat this paper as the statement under 37 C.F.R. § 1.63(d)(2), and delete the names of the persons listed above who are not inventors in the above-captioned divisional application.

Dated: June 25, 2004

Respectfully submitted,

By 

Andrea G. Reister

Registration No. 36,253

COVINGTON & BURLING

1201 Pennsylvania Avenue, N.W.

Washington, DC 20004-2401

(202) 662-6000

Attorney for Applicant

REFERENCE NO.	INVOICE NO.	INV. DATE	INVOICE AMOUNT	REQ. NO.	DESCRIPTION
1048588 000166.00109	010506	06-24-04 O I P E AUG 18 2004 JC98	260.00	04290	COMMISSIONER OF PATENTS AND TRADEMARKS - Surcharge for late filing of the declaration and processing fee for change in inventorship for 000166.00109-US03 (MBN)
TOTAL			\$ 260.00	DISCNT	\$0.00 NET \$ 260.00

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

CONTROL NO. 330525
CHECK DATE 06/25/04CITIBANK, DELAWARE
One Penns Way
New Castle, DE 19720**COVINGTON & BURLING**1201 PENNSYLVANIA AVE., N.W.
P.O. BOX 7566
WASHINGTON, D.C. 20044CHECK NO. 330525
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62-20
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\$ 260.00*****

PAY TWO HUNDRED SIXTY AND 00/100 Dollar(s)

TO THE ORDER OF COMMISSIONER OF PATENTS AND TRADEMARKS.

Blatter

AMOUNTS OVER \$1000.00 REQUIRE 2 SIGNATURES



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Group Art Unit: 3743

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Examiner: Not Yet Assigned

For: INHALATION DEVICE AND METHOD

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: Director - Technology Group 3740

Dear Sir:

Enclosed are the following items for filing in connection with the above-referenced Patent Application:

1. Request for Correction of Inventorship under 37 CFR 1.48(b);
2. Copy of the Statement under 37 CFR 1.63(d)(2) filed on June 25, 2004;
3. Request for Corrected Filing Receipt filed on June 25, 2004;
4. Copy of the marked-up Official Filing Receipt filed on June 25, 2004;
5. Copy of the Application Data Sheet filed with the application on February 5, 2004 and re-filed on June 25, 2004;
6. Copy of Check No. 330525 for \$260.00 filed on June 25, 2004 to cover the late filing of the declaration and \$130.00 processing fee for change of inventorship; and

7. Return receipt postcard.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-0740, under Docket No. 000166.0109-US03. A duplicate copy of this paper is enclosed.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 50-0740.

Dated: August 18, 2004

Respectfully submitted,

By 

Andrea G. Reister

Registration No.: 36,253

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Washington, DC 20004-2401

(202) 662-6000

Attorney for Applicant